THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22821 of 2006

03.11.2006

Between:

Rayala Prabhudas, S/o.late Satyanandam
And another
Being represented by their General Power of Attorney Holder,
Sri Syamala Venkata Reddy, S/o.late Syamala Anji Reddy
… Petitioners

AND

The Sub-Registrar, Ranga Reddy District at Moosapet, Hyderabad
And another
… Respondents

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ORDER:

The petitioners are statedly owners of the flat bearing No.204, 2nd floor, on Plot Nos.4, 7 and 8, admeasuring 1150 Sq.ft., including car parking are along with undivided share of land admeasuring 25 Sq.yards out of total extent of 933 Sq.yards in survey No.44/1 situated at Miyapur Village of Serilingampally Mandal in Ranga Reddy District. Since they are in need of money, the petitioners decided to dispose of the property and accordingly executed General Power of Attorney (GPA) Holder in favour of Syamala Venkata Reddy. The G.P.A. offered to sell the land to Pothapu Sainatha Reddy for a valid consideration of Rs.9,10,000/-. After payment of necessary charges by way of challan, the G.P.A. along with vendee approached the first respondent for registration of sale deed. The first respondent allegedly did not accept the sale deed. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the first respondent or any other Registering Officer to accept the document presented by the petitioners or their G.P.A. Holder and consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the

petitioners have any grievance, they may file appeal before the first respondent under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioners can file a suit under Section 77 of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

November 03, 2006.

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